

Translation

PATENT COOPERATION TREATY

PCT/PCT/22 JUL 2004

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | |
|---|--|--|
| Applicant's or agent's file reference TU 03-0904W01 | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/JP 03/12660 | International filing date (day/month/year) 02.10.2003 | Priority date (day/month/year) 27.01.2003 |
| International Patent Classification (IPC) or national classification and IPC Int. C1 ⁷ C23C14/34, C22C1/04, C22C28/00 | | |
| Applicant NIKKO MATERIALS CO., LTD. | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☒ Box No. VIII Certain observations on the international application

| | |
|--|---|
| Date of submission of the demand 16.03.2004 | Date of completion of this report 29.06.2004 |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages 1-3, 5-13, as originally filed/furnished
- pages* 4 received by this Authority on 10. 06. 2004
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages 9, as originally filed/furnished
- pages* 1, 4, as amended (together with any statement) under Article 19
- pages* 6, 7 received by this Authority on 10. 06. 2004
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages 1/1, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 2, 3, 5, 8
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP-03/12660

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

1, 4, 6, 7, 9

YES

Claims

NO

Inventive step (IS)

Claims

1, 4, 6, 7, 9

YES

Claims

NO

Industrial applicability (IA)

Claims

1, 4, 6, 7, 9

YES

Claims

NO

2. Citations and explanations

[SUMMARY]

The inventions described in claims 1, 4, 6, 7, and 9 have inventive step to the documents cited in the ISR. Any of the documents cited do not describe the points showing below;

The density variation of said target is within $\pm 1.5\%$.

In X-ray diffraction, the ratio B/A of the maximum peak intensity A of Ge phase in a 2θ range of 20° to 30° and of the maximum peak intensity B of GeCr compound phase in a 2θ range of 30° to 40° is 0.18 or more.

Evenly dispersing and mixing Cr powder of $75\mu\text{m}$ or less, and Ge powder of $250\mu\text{m}$ or less and having a BET specific surface area of $0.4\text{m}^2/\text{g}$ or less, and thereafter performing sintering.

A person skilled in the art cannot easily conceive those points.

第Ⅶ欄 国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

- (1) 実施例1～3には、Cr粉の粒径について記載されているが、BET表面積について示されておらず、当該実施例と請求の範囲6および7に記載された発明との関係が不明瞭である。
- (2) 請求の範囲9には、「請求の範囲第6項～第8項のそれぞれに記載」と記載されているが、上記記載によって引用する第8項は、請求の範囲に存在しない(削除されている)。よって、請求の範囲9は不明瞭である。

【SUMMARY】

- (1) In Examples 1 to 3, a grain size of Cr powder is described, but a BET surface area is not described. Accordingly, relation of the inventions described in the relevant Examples and claims 6 and 7 is not clear.
- (2) Term “according to any one of claims 6 to 8” is described in claim 9, but the claim 8 does not exist in the claims (deleted). Accordingly, the claim 9 is not clear.